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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/855,000	05/14/2001	Kilian schuster	1-15632	1245
43935 7590 08/04/2010 FRASER CLEMENS MARTIN & MILLER LLC 28366 KENSINGTON LANE PERRYSBURG, OH 43551				
EXAMINER TRUVAN, LEYNN A THANH				
ART UNIT 2435		PAPER NUMBER		
NOTIFICATION DATE 08/04/2010		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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**Office Action Summary****Application No.**

09/855,000

**Applicant(s)**

SCHUSTER ET AL.

**Examiner**

Leynna T. Truvan

**Art Unit**

2435

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 4/130/10.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 21, 24-29 and 31 is/are pending in the application.
- 4a) Of the above claim(s) 1-20, 22, 23 and 30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21, 24-29 and 31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SEA-3)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

**DETAILED ACTION**

1. Claims 21, 24-29 and 31 remain pending.  
Claims 1-20, 22-23, and 30 are cancelled.

***Response to Arguments***

2. Applicant's arguments with respect to claims 21, 24-29 and 31 have been considered but are moot in view of the new ground(s) of rejection.

Claims 21, 24-29 and 31 are now rejected over Allen and Caputo combination. Prior art, Allen, remains the primary art to teach and suggest the method of initiating a procedure within a building. However, Allen does not suggest virtual key includes the steps of assigning an encrypted code to the virtual key, and adding a signature to the virtual key. Hence, Caputo is combined with Allen to teach that it would have been obvious for a person of ordinary skills in the art at the time of the invention to generate a virtual key includes the steps of assigning an encrypted code to the virtual key, and adding a signature to the virtual key and transmitting the virtual key to at least one person because to identify the user and to ensure that an authorized user is in possession of the device so that the network or computer is accessible (Caputo - col.8, lines 40-67 and col.10, lines 1-15).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**3. Claims 21, 24-29 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen, et al. (US 6,000,505) and further in view of Caputo et al. (US 5,546,463).**

**As per claim 21:**

Allen discloses a method of initiating a procedure within a building comprising the steps of:

- a. defining at least one initiating event for the procedure which event does not involve a person arriving at the building; **[col.3, lines 40-50 and col.6, lines 50-64]**
- b. defining at least one security requirement for the procedure; **[col.3, lines 52-62 and col.9, lines 25-30]**
- c. defining at least one person to be authorized to perform the procedure; **[col.3, lines 1-3 and col.20, lines 47-56]**
- d. detecting the occurrence of the at least one initiating event wherein the at least one person does not define the at least one initiating event and does not cause the occurrence of the at least one initiating event; **[col.5, line 63 – col.6, lines 17 and col.13, lines 15-28]**
- e. *generating a virtual key* **[Caputo - col.4, lines 20-40]** for the at least one based on the at least one requirement detecting the occurrence of the at least one initiating event and prior to

the at least one person arriving at the building [col.20, lines 2-5], wherein the step of generating the virtual key includes the steps of assigning an encrypted code to the virtual key, and adding a signature to the virtual key; [Caputo - col.2, lines 35-60 and col.7, lines 26-45]

f. *transmitting virtual key to the at least one person;* [Caputo - col.2, lines 26-45]

g. detecting use of the virtual key by the at least one person in the building;

h. *checking the validity of the virtual key, including identifying the at least one person as a recipient of the transmitted virtual key by the signature;* and [Caputo – col.3, lines 5-10]

i. initiating said procedure within the building if the validity check is positive wherein initiating the procedure consists of performing at least one of the steps of:

opening of at least one door of the building;

making at least one elevator available; [col.4, lines 28-42 and col.6, lines 48-65]

opening of at least one elevator door; and

j. performing said steps a. through i. in an access control computer system associated with the building. [col.19, line 37 – col.20, line 60]

The claimed initiating event can broadly be interpreted as to begin or trigger a function or event. Allen defines the initiating event as an emergency or fire/smoke condition causing a signal (col.5, line 63 – col.6, lines 17) to a building security station, to a fire department, and to an alarm system to alert or alarm a fire/smoke so that procedure(s) is initiated accordingly (col.3, lines 3, lines 40-62 and col.4, lines 37-49). A procedure can broadly be given as opening/closing predetermined doors, operation of fire doors, sounding alarms, elevator functions, etc. (col.6, lines 50-64 and col.9, lines 25-30) Allen discloses a signal control system has a communication mechanism connectable to a remote communication system at a

location remote from the building (i.e. fire department). The communication mechanism sends the detection signal and at least one status signals to the remote communication system to providing building status information to the location remote from the building that has detected an emergency condition in the building (col.5, line 63 – col.6, lines 17). Allen's invention reads the claimed invention that does not involve a person arriving at the building since fire/smoke is detected by sensing devices which then initiates an emergency or fire/smoke condition for procedures (as discussed above) within the building. As a result, the fire department personnel can monitor and control the building's status upon receiving the initial alarm signal and prior to arriving at the building to override elevators or door functions (co.3, lines 1-6 and col.19, line 37 – col.20, line 40 and col.20, lines 45-60). Hence, Allen reads on the claimed invention. However, Allen does not suggest virtual key includes the steps of assigning an encrypted code to the virtual key, and adding a signature to the virtual key and transmitting the virtual key to a person.

Caputo discloses an electronic token to uniquely identify the user to the network, to a computer system, or program (abstract). Caputo discloses a portable device serves as an entry token which can be assigned to an individual and easily transported by that person in a pocket or purse and uniquely identifies that person to another (col.3, lines 5-10). Thus, is obvious that if the token can identify and verify the user to a computer than the token can identify/verify the user to obtain access into a building, elevator, etc. Caputo discloses user PIN or password (virtual key) includes a unique key (encrypted code) and signature is transmitted for verifying the user to the device from a remote location (col.7, lines 5-50 and col.8, lines 40-67).

Thus, it would have been obvious for a person of ordinary skills in the art at the time of the invention to combine Allen with Caputo to generate a virtual key includes the steps of assigning an encrypted code to the virtual key, and adding a signature to the virtual key and transmitting the virtual key to at least one person because to identify the user and to ensure that an authorized user is in possession of the device so that the network or computer is accessible (Caputo - col.8, lines 40-67 and col.10, lines 1-15).

**As per claim 24:** See Allen on col.6, lines 50-64 and col.9, lines 25-30; discusses defining different procedures for different initiating events.

**As per claim 25:** See Allen on col.6, lines 50-64 and col.9, lines 25-30; discusses defining different requirements for different procedures.

**As per claim 26:** See Allen on col.6, lines 50-64 and col.9, lines 25-30 and ; discusses transmitting different virtual keys to said person for different initiating events.

**As per claim 27:** Caputo - col.8, lines 6-60 and col.9, lines 5-30; discusses storing said virtual key partially or completely.

**As per claim 28:** See Caputo – col.3, lines 28-45 and col.7, lines 30-64; discusses the steps of identifying the at least one person with biometrics characteristics.

**As per claim 29:** See Allen on col.5, line 63 – col.6, line 64 and col.10, lines 45-52 and col.11, lines 21-27; discusses the method according to Claim 21, further comprising at least one of the steps of: initiating a control procedure of an elevator in the building; initiating a medical assistance procedure; initiating a building cleaning procedure; and initiating a guest reception procedure.

**As per claim 31:**

Allen discloses a method of initiating a procedure within a building comprising the steps of:

a. defining at least one initiating event for the procedure which event does not involve a person arriving at the building; **[col.3, lines 40-50 and col.6, lines 50-64]**

b. defining at least one of a security requirement and an availability requirement for the procedure; **[col.3, lines 52-62 and col.9, lines 25-30]**

c. defining at least one person to be authorized to perform the procedure; **[col.3, lines 1-3 and col.20, lines 47-56]**

d. detecting the occurrence of the at least one initiating event wherein the at least one person does not define the at least one initiating event and does not cause the occurrence of the at least one initiating event; **[col.5, line 63 – col.6, lines 17 and col.13, lines 15-28]**

e. *generating a virtual key [Caputo - col.7, lines 30-64] for the at least one based on the at least one requirement detecting the occurrence of the at least one initiating event and prior to the at least one person arriving at the building [col.20, lines 2-5], wherein the step of generating the virtual key [Caputo - col.4, lines 20-40] includes the steps of assigning an encrypted code to the virtual key, and adding a signature to the virtual key; [Caputo - col.2, lines 35-60 and col.7, lines 26-45]*

f. *transmitting virtual key to the at least one person using wireless devices; [Caputo - col.2, lines 26-45]*

g. detecting use of the virtual key by the at least one person in the building; **[Caputo - col.2, lines 63-65]**



*h. checking the validity of the virtual key, including identifying the at least one person as a recipient of the transmitted virtual key by the signature; [Caputo – col.3, lines 5-10]*

i. initiating said procedure within the building if the validity check is positive wherein initiating the procedure consists of performing at least one of the steps of:

opening of at least one door of the building;

making at least one elevator available;

opening of at least one elevator door; and

j. performing said steps a. through i. in an access control computer system associated with the building. **[col.19, line 37 – col.20, line 60]**

The claimed initiating event can broadly be interpreted as to begin or trigger a function or event. Allen defines the initiating event as an emergency or fire/smoke condition causing a signal (col.5, line 63 – col.6, lines 17) to a building security station, to a fire department, and to an alarm system to alert or alarm a fire/smoke so that procedure(s) is initiated accordingly (col.3, lines 3, lines 40-62 and col.4, lines 37-49). A procedure can broadly be given as opening/closing predetermined doors, operation of fire doors, sounding alarms, elevator functions, etc. (col.6, lines 50-64 and col.9, lines 25-30) Allen discloses a signal control system has a communication mechanism connectable to a remote communication system at a location remote from the building (i.e. fire department). The communication mechanism sends the detection signal and at least one status signals to the remote communication system to providing building status information to the location remote from the building that has detected an emergency condition in the building (col.5, line 63 – col.6, lines 17). Allen's invention reads the claimed invention that does not involve a person arriving at the building since fire/smoke is

detected by sensing devices which then initiates an emergency or fire/smoke condition for procedures (as discussed above) within the building. As a result, the fire department personnel can monitor and control the building's status upon receiving the initial alarm signal and prior to arriving at the building to override elevators or door functions (co.3, lines 1-6 and col.19, line 37 – col.20, line 40 and col.20, lines 45-60). Hence, Allen reads on the limitations of steps a-e. However, Allen does not suggest virtual key includes the steps of assigning an encrypted code to the virtual key, and adding a signature to the virtual key and transmitting the virtual key to a person.

Caputo discloses an electronic token to uniquely identify the user to the network, to a computer system, or program (abstract). Caputo discloses a portable device serves as an entry token which can be assigned to an individual and easily transported by that person in a pocket or purse and uniquely identifies that person to another (col.3, lines 5-10). Thus, is obvious that if the token can identify and verify the user to a computer than the token can identify/verify the user to obtain access into a building, elevator, etc. Caputo discloses user PIN or password (virtual key) includes a unique key (encrypted code) and signature is transmitted for verifying the user to the device from a remote location (col.7, lines 5-50 and col.8, lines 40-67).

Thus, it would have been obvious for a person of ordinary skills in the art at the time of the invention to combine Allen with Caputo to generate a virtual key includes the steps of assigning an encrypted code to the virtual key, and adding a signature to the virtual key and transmitting the virtual key to at least one person because to identify the user and to ensure

that an authorized user is in possession of the device so that the network or computer is accessible (Caputo - col.8, lines 40-67 and col.10, lines 1-15).

### ***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leynna T. Truvan whose telephone number is (571) 272-3851. The examiner can normally be reached on Monday - Thursday (7:00 - 5:00PM) and telework on Wednesday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/L. T. T./  
Examiner, Art Unit 2435  
/Kimyen Vu/  
Supervisory Patent Examiner, Art Unit 2435